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February 1, 2022

File No. 15108-0062 JBD

**Magistrate Judge Douglas E. Arpert, MJDC  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
Clarkson S. Fisher Federal Building  
402 E. State Street  
Trenton, NJ 08608**

**Re: Kevin Higgenbotham v. City of Trenton, et al  
Docket No. 3:17-cv-4344**

Dear Magistrate Arpert:

As you are aware, I represent the remaining "Trenton Defendants" relative to the above matter. That matter does not currently have a Trial Date yet assigned, nor has it been scheduled for a Pre-Trial Conference. There is a Motion pending before Your Honor as to whether my clients are entitled to obtain a new "cause of death" expert. If granted, it will, obviously take some time to bring the new expert up to speed and obtain a report.

I am writing to the Court because circumstances have arisen that require me to withdraw as counsel for the defendants. I have already arranged to have Tracy Riley, Esquire, a very experienced Civil Rights defense attorney, take over the defense of my clients. Ms. Riley has assured me that she will begin review of all the file materials immediately and get up to speed very quickly. Given that none of the above reference dates have yet been assigned to the file I do not anticipate that the substitution will cause any delays in the case. If the Court would like further information on the reasons for my withdrawal as counsel I would be happy to discuss it on an *ex parte* basis.

I am prepared to file the Substitution of Attorney, but am writing to the Court to inquire whether a formal motion to withdraw will be required. I have discussed this matter with counsel for the plaintiff and he has courteously consented to the substitution.

**COUNSEL WHEN IT MATTERS.<sup>SM</sup>**

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At 4:58 p.m. on January 27, 2022, when I was editing this letter, I received a notice from the Court requesting a Status Report. The only remaining discovery would be the retention of a new medical witness by defendants should the Court grant the Motion pending as a result of Dr. Wetli's death.

I will look forward to hearing from the Court with respect to the above, and thank Your Honor for your time and consideration of this request.

Respectfully,

*s/ J. Brooks DiDonato*  
J. BROOKS DIDONATO

/de

Cc: Stanley King, Esq.  
Tracy Riley, Esq.